

## **FOREST PRACTICE LITIGATION REPORT**

**5508**

(No. 6 January 1999)

A forest practice litigation report will be used to send the file to the Director's office when the region recommends that the Director initiate civil or administrative action. This file will contain copies of any reports, correspondence, photos, maps, sketches, or other information pertinent to the case. Any special inspection reports, photos, or other reports made during the investigation or in the development of a case are considered to be confidential documents and not public records. Reports, including inspection reports, documents, or information that were public records before the investigation was begun, even though copies have been placed in a litigation file, are not confidential and continue to be public records.

### **FORM LE-80**

**5508.1**

(No. 6 January 1999)

The Confidential Report of Forest Practice Enforcement Recommendations, form LE-80, will be used by inspectors when enforcement action is necessary to gain compliance with forest practice laws and regulations. An exception to this instruction may be made for a misdemeanor case that is very simple and can be readily handled by a complaint or citation, or for a misdemeanor case when the District Attorney or the court has indicated preference for another form.

The LE-80, accompanied by the related inspection reports, memos, and other documents, will be used to submit case information and recommend that the Director initiate civil and/or administrative action. The LE-80 should be reviewed carefully by the region resource management staff, in consultation with the submitting officer, to ensure that the LE-80 and supporting documents contain all essential information for the Director to proceed with the enforcement actions recommended by the region chief.

### **INSTRUCTIONS FOR PREPARING LE-80**

**5508.2**

(No. 6 January 1999)

The type of enforcement action recommended as most appropriate and effective in obtaining compliance will be shown by check mark in one or more of the labeled boxes in the last lines of the form heading.

The report contains ten elements of information shown by the numbered blocks in the left margin of the form. The reporting officer will complete all information entries at the top and bottom of the form, complete the body of the report by placing the identifying block number to the left of the first line of data entered for that block, and make entries in the same order as listed in the left margin of the form, using supplemental pages as necessary.

It is important that the information entered in Block 6, "Physical Condition or Conditioning," be detailed and specific. Examples include the dates by which the work should be completed, the location and size of areas to be planted or seeded, the dates within which planting or seeding is to be done, the species and age of planting stock to be used (such as 1-0, 1-1, 2-0, etc.), the average spacing for planting, the location of skid trails to be waterbarred, the spacing and specifications for installing waterbars, the location of culverts to be fixed or installed by distance from an identifiable point or shown on a sketch map, and the prescription specifying measures to be taken to correct culverts or stream crossings, etc.

Failure to include this kind of information in sufficient detail in the LE-80 can result in further delay, as well as additional correspondence and phone calls between the Director's staff, regional staff, and the originating officer.

## **SUPPLEMENTAL INVESTIGATION REPORT**

**5508.3**

(No. 6 January 1999)

For some forest practice litigation reports, it may be necessary or desirable to submit new or supplemental information on the case by using form LE-71, Supplemental Investigation Report. If a question arises about use of this form, forest practice staff members should consult with unit or region office fire prevention officers.

## **OTHER LITIGATION RECORDS AND REPORTS**

**5508.4**

(No. 6 January 1999)

Other records and reports to be included as a part of a forest practice litigation file forwarded to the Director's office are copies of forest practice inspection reports and accompanying violation notices, correspondence, file memos, narrative reports, photographs, maps, sketches, property ownership records, and any other available documents that concern the enforcement action being brought against the responsible persons. If corrective action is recommended, a draft copy of the Director's Notice of Intent to Take Corrective Action will be included with the litigation report.

**FORMS AND/OR FORMS SAMPLES: RETURN TO ISSUANCE HOME PAGE  
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